

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

CHRIS WILLIAMSON

Plaintiff,

v.

ACADEMY COLLECTION SERVICE, INC.

Defendant.

Case No. CIV-08-00465-CVE-TLW

MOTION FOR RELEASE OF JUDGMENT

COMES NOW, Defendant Academy Collection Service, Inc. (“Academy”) pursuant to Fed. R. Civ. Proc. No. 60(C) and requests that the Court enter an Order releasing Academy from judgment filed on May 6, 2009 (Document No. 40). In support of said Motion, Academy states as follows:

1. Judgment was entered in favor of Plaintiff, Chris Williamson against Defendant, Academy in the amount of Four Thousand Dollars (\$4,000.00) plus post-judgment interest, plus the cost of the action pursuant to our accepted Offer of Judgment.
2. On May 7, 2009, Academy delivered a check to Plaintiff’s counsel in full satisfaction of Mr. Williamson’s Judgment.
3. On May 19, 2009, Plaintiff filed an “Application For Attorney’s Fees and Cost” (Document No. 41). A settlement was reached regarding those fees and costs (for \$9,187.50) and the Plaintiff filed a Withdrawal of Application for Attorney Fees and Costs (Document No. 43).

4. On June 4, 2009, Academy sent the final check in settlement of the attorney fees in this matter.

5. Both checks have been endorsed and deposited.

6. Since that date, Defendant has requested that Plaintiff file a Release and Satisfaction of Judgment on multiple occasions (*See* Exh. 1, multiple e-correspondence from Academy's attorney Kelsie Orendorff to Plaintiff's attorney Russell Abbott requesting he file Release and Satisfaction of Judgment.) However, to date, Plaintiff has not executed the Release and Satisfaction of Judgment prepared by Plaintiff's attorney. (*See* Exh. 2, proposed Release and Satisfaction of Judgment.).

7. Defendant has met all its obligations under the Settlement Agreement and the Judgment. Thus, Academy requests that the Court issue a notice releasing it from further obligations under the judgment. Under Rule 60(c), the

Court may relieve a party or its legal representatives from a final judgment, order or proceeding . . . (5), if the judgment has "been satisfied, released or discharged."

The judgment in this case has been satisfied.

WHEREFORE, Academy requests that the Court release it from the judgment entered in this matter.

Respectfully submitted,

s/ KELSIE S. ORENDORFF
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*Attorneys for Defendant,
Academy Collection Service, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the August 6, 2009, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/ KELSIE S. ORENDORFF